APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,008	11/09/1999	STEPHEN B. ELLIOTT	RR2341	6014

7590   09/11/2002

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EXAMINER
FOX, JAMAL A

ART UNIT	PAPER NUMBER
2664	

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/436,008	ELLIOTT ET AL.
	Examiner	**Art Unit**	
	Jamal A Fox	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _09 November 1999_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-18_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _09 November 1999_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Oath/Declaration

1.   The oath or declaration is defective. A new oath or declaration in compliance

with 37 CFR 1.67(a) identifying this application by application number and filing date is

required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not include the application number and filing date.

It does not include the notary's signature, or the notary's signature is in the wrong
place.

It does not include the notary's seal and venue.

Drawings

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4)

because reference character "206" has been used to designate both "Call Processing A"

and "Call Processing B" and a "Mobility Manager Function" in the written description on

page 12, line 28. A proposed drawing correction or corrected drawings are required in

reply to the Office action to avoid abandonment of the application. The objection to the

drawings will not be held in abeyance.

3.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4)

because reference character "304" has been used to designate both "Residential

Wideband" (see Fig. 3) and "Multimedia-broadband data" (see page 14, line 22). A

proposed drawing correction or corrected drawings are required in reply to the Office

action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "520" has been used to designate both "Call Processing function" (see page 17 lines 9 and 10 and "Signal received by AP function" (see Fig. 5). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "522" has been used to designate both "Convert to target protocol" (see Fig. 5) and "converting the signal to the receiver's protocol" (see page 17 lines 13 and 14). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Fig. 2, reference character "SS7", "200", "A/TR303/V5.2", and "218" are not described in the written description. In Fig. 3, reference character "308", and "Residential Wideband" are not described in the written description. In Fig. 4, reference character "SUBSYSTEM" is not described in the written description. In Fig. 5 reference character "520", reference characters "signal received by AP function" are not described in the written description. In Fig. 5 reference character "522", reference character "target" is

not described in the written description. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

7.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: On page 12, line 25, "Call Process Function 208" is not included in the drawing. On page 16, line 12 "see Figure 6" is not included in the drawing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

8.   The disclosure is objected to because of the following informalities: On page 14, line 27, "LMDS" is spelled incorrectly.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10.   Claims 1-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 6,205,143 to Lemieux. Referring to claim 1, Lemieux discloses a method for efficiently integrating wireless and wireline functions within a communications network, comprising the steps of: integrating an asynchronous transfer mode infrastructure with said communications network; and linking said wireless and wireline functions to and from said communications network via said asynchronous transfer mode infrastructure utilizing a network access function within a network edge switch (see column 1 lines 1-12, Fig. 1, column 4 lines 19-50, Fig. 18, column 12 lines 41-67, and column 13 lines 1-14).

Referring to claim 2, Lemieux discloses a method of claim 1, further comprising the step of transmitting wireless and wireline data to said network access function to allow wireless and wireline data to flow to and from said communications network (see column 1 line 13, column 2 line 14, and column 9 line 17).

Referring to claim 3, Lemieux discloses a method of claim 1, further comprising: utilizing multiple functions within said network access function for consolidating and interfacing signal traffic to an from said communications network (see column 1 line 23, and 41-54, column 2 line 36, column 4 line 25-50, column 5 line 21-35, column 6 line 42, and column 8 line 18).

Referring to claim 4, Lemieux discloses a method of claim 3, further comprising converting said first communications protocol to a second communications protocol within the network access function (see column 5 lines 12-35, and columns 13-19).

Referring to claim 5, Lemieux discloses a method of claim 4, further comprising: transferring said wireless and wireline data to said asynchronous transfer mode infrastructure from said network access function (see column 10 line 52, column 8 line 64, column 7 line 44, column 4 line 52, and column 2 lines 26 and 27).

Referring to claim 6, Lemieux discloses a method of claim 4, wherein the step of integrating an asynchronous transfer mode infrastructure with said communications network, further comprises: integrating an asynchronous transfer mode infrastructure with said communications network, wherein said asynchronous transfer mode infrastructure comprises an asynchronous transfer mode fabric interfaced with an asynchronous transfer mode gateway (see Fig. 1, Fig. 6, Fig. 7, Fig. 10, Fig. 17, and Fig. 18).

Referring to claim 7, Lemieux discloses a system for efficiently integrating wireless and wireline functions within a communications network, comprising: said communications network, an asynchronous transfer mode infrastructure for transmitting signals within said communications network; a network edge switch for linking said wireless and wireline functions to and from said communications network via said asynchronous transfer mode infrastructure utilizing a network access function within said network edge switch (see column 1 lines 1-12, Fig. 1, column 4 lines 19-50, Fig. 18, column 12 lines 41-67, and column 13 lines 1-14).

Referring to claim 8, Lemieux discloses the system of claim 7, further comprising: transmitting means for transmitting wireless and wireline data to said network access

function to allow wireless and wireline data to flow to and from said communications network (see column 1 line 13, column 2 line 14, and column 9 line 17).

Referring to claim 9, Lemieux discloses the system of claim 7, further comprising: multiple functions within said network access function for consolidating and interfacing signal traffic to and from said communications network (see column 1 line 23, and 41-54, column 2 line 36, column 4 line 25-50, column 5 line 21-35, column 6 line 42, and column 8 line 18).

Referring to claim 10, Lemieux discloses the system of claim 9, further comprising: conversion functions within said network access function for converting said received wireless and wireline data from a first communications protocol to a second communications protocol (see column 5 lines 12-35, and columns 13-19).

Referring to claim 11, Lemieux discloses the system of claim 9, further comprising: transferring said wireless and wireline data to said asynchronous transfer mode infrastructure from said network access function (see column 10 line 52, column 8 line 64, column 7 line 44, column 4 line 52, and column 2 lines 26 and 27).

Referring to claim 12, Lemieux discloses the system of claim 9, wherein integrating an asynchronous transfer mode infrastructure with said communications network, further comprises: integrating an asynchronous transfer mode infrastructure with said communications network, wherein said asynchronous transfer mode infrastructure comprises and asynchronous transfer mode fabric interfaced with an asynchronous transfer mode gateway (see Fig. 1, Fig. 6, Fig. 7, Fig. 10, Fig. 17, and Fig. 18).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux in view of Govindarajan et al. Referring to claim 13, Lemieux discloses a telecommunication system for efficiently integrating wireless and wireline functions with a communications network, comprising: integrating an asynchronous transfer mode infrastructure with said communications network; and linking said wireless and wireline functions to and from said communications network via said asynchronous transfer mode infrastructure utilizing a network access function within a network edge switch (see column 1 lines 1-12, Fig. 1, column 4 lines 19-50, Fig. 18, column 12 lines 41-67, and column 13 lines 1-14). The Lemieux reference does not teach of a program of instructions, within instruction bearing media associated with a telecommunication system for efficiently integrating wireless and wireline functions within a communications network comprising: instructions within said instruction bearing media for integrating an asynchronous transfer mode infrastructure with said communications network; and instructions within said instruction bearing media for linking said wireless and wireline functions to and from said communications network via said asynchronous transfer mode infrastructure utilizing a network access function within a network edge switch. The Govindarajan et al. reference discloses a program of instructions in column 8 lines

5-29, and column 18 lines 34-52. Govindarajan et al. teaches of instruction bearing media in column 2 lines 1-11, and column 4 lines 35-62. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a program of instructions, within instruction bearing media associated with a telecommunication system for efficiently integrating wireless and wireline functions within a communications network comprising: instructions within said instruction bearing media for integrating an asynchronous transfer mode infrastructure with said communications network; and instructions within said instruction bearing media for linking said wireless and wireline functions to and from said communications network via said asynchronous transfer mode infrastructure utilizing a network access function within a network edge switch.

Referring to claim 14, Govindarajan et al. discloses the program of instructions of claim 13, further comprising: instructions within said instruction bearing media for transmitting wireless and wireline data to said network access function to allow wireless and wireline data to flow to and from said communications network (see column 8 lines 5-29, column 18 lines 34-52, column 2 lines 1-11, column 4 lines 35-62, column 5 lines 1-7, column 8 lines 51-67, column 9 lines 38-52, and column 9 lines 62-67). Lemieux does not teach of the program of instructions. Lemieux teaches of the wireless and wireline data to said network access function to allow wireless and wireline data to flow to and from said communications network (see column 1 line 13, column 2 line 14, and column 9 line 17). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a program of instructions

comprising: instructions within said instruction bearing media for transmitting wireless and wireline data to said network access function to allow wireless and wireline data to flow to and from said communications network.

Referring to claim 15, Govindarajan et al. discloses the program of instructions of claim 13, further comprising: instructions within said instruction bearing media for utilizing multiple functions within said network access function for consolidating and interfacing signal traffic to and from said communications network (see column 8 lines 5-29, column 18 lines 34-52, column 2 lines 1-11, column 4 lines 35-62, column 5 lines 1-7, column 8 lines 51-67, column 9 lines 38-52, and column 9 lines 62-67). Lemieux does not teach of a program of instructions. Lemieux teaches of utilizing multiple functions within said network access function for consolidating and interfacing signal traffic to and from said communications network (see column 1 line 23, and 41-54, column 2 line 36, column 4 line 25-50, column 5 line 21-35, column 6 line 42, and column 8 line 18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a program of instructions comprising: instructions within said instruction bearing media for utilizing multiple functions within said network access function for consolidating and interfacing signal traffic to and from said communications network.

Referring to claim 16, Govindarajan et al. discloses the program of instructions of claim 15, further comprising: instructions within said instruction bearing media for converting said received wireless and wireline data from a first communications protocol to a second communications protocol within said network access function (see column

20 lines 1-21, column 8 lines 5-29, column 18 lines 34-52, column 2 lines 1-11, column 4 lines 35-62, column 5 lines 1-7, column 8 lines 51-67, column 9 lines 38-52, and column 9 lines 62-67). Lemieux does not teach of a program of instructions. Lemieux teaches of converting said received wireless and wireline data from a first communications protocol to a second communications protocol within said network access function (see column 5 lines 12-35, and columns 13-19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a program of instruction comprising: instructions within said instruction bearing media for converting said received wireless and wireline data from a first communications protocol to a second communications protocol within said network access function.

Referring to claim 17, Govindarajan et al. discloses the program of instructions of claim 15, further comprising: instructions within said instruction bearing media for transferring said wireless and wireline data to said asynchronous transfer mode infrastructure from said network access function (see column 1 lines 15-37, column 6 lines 6-19, column 20 lines 1-21, column 8 lines 5-29, column 18 lines 34-52, column 2 lines 1-11, column 4 lines 35-62, column 5 lines 1-7, column 8 lines 51-67, column 9 lines 38-52, and column 9 lines 62-67). Lemieux does not teach of a program of instructions. Lemieux does teach of transferring said wireless and wireline data to said asynchronous transfer mode infrastructure from said network access function (see column 10 line 52, column 8 line 64, column 7 line 44, column 4 line 52, and column 2 lines 26 and 27). Therefore it would have been obvious to one having ordinary skill in

the art at the time the invention was made to have included a program of instructions comprising: transferring said wireless and wireline data to said asynchronous transfer mode infrastructure from said network access function.

Referring to claim 18, Govindarajan et al. discloses the program of instructions of claim 13, wherein instructions for integrating an asynchronous transfer mode infrastructure with said communications network, further comprises: instructions within said instruction bearing media for integrating an asynchronous transfer mode infrastructure with said communications network, wherein said asynchronous transfer mode infrastructure comprises an asynchronous transfer mode fabric interfaced with an asynchronous transfer mode gateway (see Fig. 5, column 8 lines 5-29, column 18 lines 34-52, column 2 lines 1-11, column 4 lines 35-62, column 5 lines 1-7, column 8 lines 51-67, column 9 lines 38-52, and column 9 lines 62-67). Lemieux does not teach of a program of instructions. Lemieux, however does teach of integrating an asynchronous transfer mode infrastructure with said communications network, further comprises: instructions within said instruction bearing media for integrating an asynchronous transfer mode infrastructure with said communications network, wherein said asynchronous transfer mode infrastructure comprises an asynchronous transfer mode fabric interfaced with an asynchronous transfer mode gateway (see Fig. 1, Fig. 6, Fig. 7, Fig. 10, Fig. 17, and Fig. 18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a program of instructions comprising: instructions for integrating an asynchronous transfer mode infrastructure with said communications network, further comprises: instructions within

said instruction bearing media for integrating an asynchronous transfer mode

infrastructure with said communications network, wherein said asynchronous transfer

mode infrastructure comprises an asynchronous transfer mode fabric interfaced with an

asynchronous transfer mode gateway.

Conclusion

13.   **Any response to this action should be mailed to:**

> Commissioner of Patents and Trademarks
> Washington, D.C. 20231

> **or faxed to:**

(703) 305-3988, (for formal communications intended for entry)

> **Or:**

> (703) 305-3988 (for informal or draft communications, please label
> "PROPOSED" or "DRAFT")

> Hand-delivered responses should be brought to Crystal Park II, 2121
> Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jamal A. Fox whose telephone number is (703) 305-

5741. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone

numbers for the organization where this application or proceeding is assigned are (703)

872-9314 for regular communications and (703) 872-9315 for After Final

communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 306-

0377.

Jamal A. Fox

Ajit Patel

Primary Examiner